IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UNI	ITED STATES OF AMERICA)		
	Plaintiff,) 8:06CR323)		
	vs.) DETENTION ORDER		
EAI	RL ANTHONY CHANG,)		
	Defendant.	'		
A.	Order For Detention After conducting a detention hearing pursua Act on November 1, 2006, the Court orde pursuant to 18 U.S.C. § 3142(e) and (i).	nt to 18 U.S.C. § 3142(f) of the Bail Reform ars the above-named defendant detained		
B.	The Court orders the defendant's detention X By a preponderance of the evide conditions will reasonably assure the X By clear and convincing evidence that	because it finds: ence that no condition or combination of appearance of the defendant as required. t no condition or combination of conditions		
C.	Finding Of Fact The Court's findings are based on the evidence which was presented in court and contained in the Pretrial Services Report, and includes the following: X (1) Nature and circumstances of the offense charged: X (a) The crime: a conspiracy to distribute and possess with intent to distribute more than 1,000 kilograms of marijuana (Count I) in violation of 21 U.S.C. § 846 carries a minimum sentence of ten years imprisonment and a maximum of life imprisonment; the forfeiture of \$212, 605 in U.S. currency used to facilitate or were the proceeds of the drug trafficking offense in Count I in violation of 21 U.S.C. § 853 (Count II). (b) The offense is a crime of violence. (c) The offense involves a narcotic drug. X (d) The offense involves a large amount of controlled substances, to wit: Over a 1,000 kilograms of marijuana (2) The weight of the evidence against the defendant is high. X (3) The history and characteristics of the defendant including: (a) General Factors: The defendant appears to have a mental condition which may affect whether the defendant will appear. The defendant has no substantial financial resources. The defendant has no substantial financial resources. The defendant has no substantial financial resources. The defendant does not have any significant community ties to Nebraska. Past conduct of the defendant: The defendant has a history relating to drug abuse. The defendant has a history relating to drug abuse. The defendant has a prior record of failure to appear at court proceedings.			

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	(b)		of the current arrest, the defendant was on: bation
			ole ease pending trial, sentence, appeal or completion of tence.
	(c)	Other Facto	rs:
			e defendant is an illegal alien and is subject to portation.
		<u>X</u> The	e defendant is a legal alien and will be subject to
		The (BIC	oortation if convicted. Bureau of Immigration and Custom Enforcement CE) has placed a detainer with the U.S. Marshal. Der:
			GI
X	releas defen	se are as follo dant's involv	seriousness of the danger posed by the defendant's ows: The nature of the charges in the Indictment. The ement in the conspiracy as reflected in the affidavit uplaint prior to indictment (8:06MJ119 - D. Nebr.).
X	(5) Rebu	ttable Presu	mptions
	In det on the	In determining that the defendant should be detained, the Court also relied on the following rebuttable presumption(s) contained in 18 U.S.C. § 3142(e) which the Court finds the defendant has not rebutted:	
			ondition or combination of conditions will reasonably
			appearance of the defendant as required and the safety
		the crime in	person and the community because the Court finds that volves:
		(1)	A crime of violence; or
		X (2)	An offense for which the maximum penalty is life
		<u>X</u> (3)	imprisonment or death; or A controlled substance violation which has a maximum
		<u></u>	penalty of 10 years or more; or
		(4)	A felony after the defendant had been convicted of two or more prior offenses described in (1) through (3)
			above, <u>and</u> the defendant has a prior conviction for one of the crimes mentioned in (1) through (3) above which
			is less than five years old and which was committed
			while the defendant was on pretrial release.
	<u>X</u> (b)		ondition or combination of conditions will reasonably
			appearance of the defendant as required and the safety nunity because the Court finds that there is probable
		cause to be	
			That the defendant has committed a controlled substance violation which has a maximum penalty of
		(2)	10 years or more. That the defendant has committed an offense under 18
		(-/	U.S.C. § 924(c) (uses or carries a firearm during and in
			relation to any crime of violence, including a crime of
			violence, which provides for an enhanced punishment
			if committed by the use of a deadly or dangerous weapon or device).

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- The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from persons awaiting or serving sentences or being held in custody pending appeal; and
- 2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.
- 4. Pretrial Services shall obtain a substance abuse evaluation of the defendant and provide a copy of the report to the court and counsel.

DATED: November 9, 2006. BY THE COURT:

s/Thomas D. Thalken United States Magistrate Judge